

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENWOOD DIVISION**

Terri Cox,

Plaintiff,

vs.

Greenwood Regional Rehabilitation Hospital,

Defendant.

Civil Action No. _____

NOTICE OF REMOVAL

TO THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA:

By this Notice of Removal, pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, Defendant Greenwood Regional Rehabilitation Hospital (“GRRH”), through its undersigned counsel, hereby removes this civil action from the Court of Common Pleas for Greenwood County, South Carolina (“Court of Common Pleas”) to the United States District Court for the District of South Carolina, Greenwood Division. Defendant GRRH states the following grounds for removal:

BACKGROUND

1. On January 17, 2018, Plaintiff Terri Cox commenced this action by filing a Summons and Complaint in the Court of Common Pleas, Case No. 2018-CP-24-00055.

2. On January 26, 2018 Defendant GRRH received a copy of the Complaint. A true and accurate copy of the Summons and Complaint to Defendant GRRH is attached hereto as **Exhibit A**. Accordingly, this Notice of Removal has been timely filed within thirty days of Defendant GRRH’s receipt of the Complaint as required by 28 U.S.C. § 1446(b).

3. The Summons and the Complaint constitute all of the process, pleadings, and orders served upon Defendant GRRH in this action. Defendant GRRH has filed no pleadings in the Court of Common Pleas in this action.

4. Attached as **Exhibit B** is a copy of Defendant GRRH's Notice to State Court of Notice of Removal.

FEDERAL QUESTION JURISDICTION

5. In her Complaint, Plaintiff asserts causes of action for disability discrimination and retaliation in violation of the Americans with Disabilities Act as amended ("ADAAA"), 42 U.S.C. §§ 12111, *et seq.*

6. Pursuant to 28 U.S.C. §1331, this Court has federal question jurisdiction over this action because claims arising under federal law, such as the ADAAA as asserted by the Plaintiff in this action, are federal causes of action over which this Court has original federal question jurisdiction. 28 U.S.C. §1331. Thus, this action may be removed on the basis of original federal question jurisdiction pursuant to 28 U.S.C. § 1441(a).

PROCEDURAL ALLEGATIONS

7. Venue is proper in the United States District Court for the District of South Carolina, Greenwood Division because the events giving rise to Plaintiff's action as set forth in Plaintiff's Complaint are alleged to have occurred in the Greenwood Division.

8. In accordance with 28 U.S.C. § 1446(d), a copy of this Notice will be filed with the Clerk of Court for the Greenwood County Court of Common Pleas and served upon Plaintiff promptly after the filing of the original Notice of Removal in this action.

WHEREFORE, take notice that Defendant GRRH hereby removes the above-entitled action from the Court of Common Pleas for Greenwood County, South Carolina, to the United States District Court for the District of South Carolina, Greenwood Division.

Dated: February 22, 2018

Respectfully submitted,

/s/ Amy M. Palesch

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**Motion for Pro Hac Vice Admission
forthcoming*

Attorneys for Defendant
Greenwood Regional Rehabilitation Hospital

CERTIFICATE OF SERVICE

This is to certify that, on February 22, 2018, the undersigned filed the foregoing **NOTICE OF REMOVAL** using the Court's CM/ECF system, and served the foregoing on Plaintiff by depositing said copy in the U.S. Mail, postage pre-paid to:

J. Lewis Cromer
Elizabeth M. Bowen
CROMER BABB PORTER & HICKS, LLC
1418 Laurel Street, Suite A
Columbia, SC 29201

/s/ Amy M. Palesch

Amy M. Palesch